

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER  
GAHR, FRANK ROBERT PAULSON,  
CHARLES TURNER, and TOM  
YOUNG,

Plaintiffs,

vs.

MICHAEL CHERTOFF, SECRETARY  
U.S. DEPARTMENT OF HOMELAND  
SECURITY,

Defendant.

CIVIL NO. 03-00567-DAE/BMK

**DECLARATION OF THOMAS MULHERN**

1. I am currently the Program Executive Officer for Employee Relations and OWCP programs, Office of Human Capital, at the Transportation Security Administration (TSA). In that capacity, I am responsible for the employee relations, workers compensation programs. In March 2003, I was the Director, Employee Relations Services at TSA. In that capacity I was responsible for processing employment actions for screeners in the airports around the country. I make this declaration from my personal knowledge.
2. According to files maintained by this office, Frank R. Paulson, Jr. was appointed to the position of Transportation Security Screener, SV-0019-D, on September 29, 2002. His appointment was contingent on the successful completion of his security background investigation.
3. On February 26, 2003, one of TSA's Suitability Adjudicators located at TSA Headquarters in Washington, DC found Mr. Paulson ineligible for employment with TSA on suitability grounds for criminal conduct/falsification. On the basis of this finding, my office took action to terminate Mr. Paulson from Federal service for failure to meet the conditions of employment. Under the applicable rules and policies, termination is an automatic consequence of an unsuitability determination.
4. On March 13, 2003, Lisa M. Baker of my staff informed Jamie Lee at Kahului Airport that Mr. Paulson was found unsuitable for employment with TSA and

that he should be placed on administrative leave pending receipt of the termination letter from my office.

5. The termination letter was prepared by my office and signed by me on March 13, 2003. The termination letter was sent to Kahului Airport in Maui, HI for delivery to Mr. Paulson. A copy of that letter is attached as Exhibit B.
6. I had no knowledge of Mr. Paulson's race or age at the time of his termination. Mr. Paulson was terminated based on material intentional false statement or deception or fraud in examination or appointment for not disclosing his previous arrests on the Standard Form 85P. I was not influenced or contacted by anyone in Hawaii regarding the Paulson employment determination. No one in Hawaii had authority to reverse or revise the determination made in Washington regarding Mr. Paulson's termination.

I declare under penalty of perjury that the information contained in the above pages is true and correct. See 28 U.S.C. § 1746.

Executed on (date) 2/23/04

Signature 